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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/500,993

01/24/2005

Peter Ravenscroft Wilkins

CES-68

1698

7590

03/29/2007

Ira S Dorman
330 Roberts Street
Suite 200
East Hartford, CT 06108

EXAMINER

PAIK, SANG YEOP

ART UNIT

PAPER NUMBER

3742

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/500,993

Applicant(s)

WILKINS ET AL.

Examiner

Sang Y. Paik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-42 and 44 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 22-42 and 44 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 7/7/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 22-31 33-36, 42 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over McWilliams (US 5,961,867)

McWilliams shows the method of avoiding high temperatures claimed including a glass ceramic plate, a radiant electric heater, an electronic control with control means and a temperature sensor such as a platinum resistance temperature detector connected to the control means, and the control means activating the heater at a full power level including an initial boost temperature during a predetermined period to exceed a first temperature. But, McWilliams does not show the first temperature level for a predetermined initial period of 20-50 minutes and to energize the heater to a second temperature level that is lower than the first temperature level.

While McWilliams does not explicitly show energizing the first temperature level for a predetermined period of 20-50 minutes and then to a lower second temperature level, McWilliams shows a control means which allows a user to manually control the heating temperature of the heater at a desirable level, including a first temperature level at the full power, and it would have been obvious to one of ordinary skill in the art to provide the first temperature level at the full power within a given time, which can be inversely proportional to the elapsed time since the full time, and then to set any lower temperature, including the recited percentage

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of the first temperature level, as desired by the user to not only avoid unacceptable high temperature for the surrounding wall of the cooking device but also to cook at the desirable heating temperature levels.

With respect to claims 28-31, it would have been obvious to one of ordinary skill in the art for a user to control the heating temperature levels in a continuous manner, a stepwise manner, or a single step or any other operating manners as desired by the user since the control circuit allows for a user to make changes as needed by the user.

3. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over McWilliams as applied to claims 22-31 33-36, 42 and 44 above, and further in view of Ueda (US 4,410,795).

McWilliams shows the method claimed except the initial period and second temperature levels that are programmed for automatic implementation.

Ueda shows a cooking appliance having a controller for inputting a first set of power and time duration and for inputting a second set of power and time duration. Ueda also allows the power and time duration to increase or decrease depending on the desired settings, and the selection of the second power and time duration is automatically implemented after the first power level and time duration.

In view of Ueda, it would have been obvious to one of ordinary skill in the art to adapt McWilliams with the programmable inputs to automatically implement cooking temperature levels and duration as desired by the user.

4. Claims 37-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over McWilliams as applied to claims 22-31 33-36, 42 and 44 above, and further in view of Higgins (US 6,018,149) or Goessler (US 4,347,432).

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McWilliams shows the method claimed except the heater having a main zone energized in a first mode alone and an additional zone surrounding the main zone and energized together with the main zone in a second mode.

Higgins shows a heater having a main inner zone and a concentrically surrounding outer additional zone. Higgins shows that the main inner zone is energized alone without energizing the outer zone. Goessler also shows a main zone and additional zones arranged opposite side of the main heating zone, and Goessler shows that the main heating zone is activated independently and the other additional zones in combination with the main heating zone.

In view of Higgins and Goessler, it would have obvious to one of ordinary skill in the art to adapt McWilliams with additional zones that are energized in combination with the main inner zone to allow a more expanded heating zones with varying power dissipation modes across the heating surface.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Y. Paik whose telephone number is 571-272-4783. The examiner can normally be reached on M-F (9:00-4:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S. R.

Sang Y Paik
Primary Examiner
Art Unit 3742

syp